

U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641

CATEGORICAL EXCLUSION

Parkerson Construction Mineral Material Sale
Existing East Douglas Pit
DOI-BLM-CO-N05-2016-0047-CX

Identifying Information

Project Title: Parkerson Construction Mineral Material Sale Existing East Douglas Pit

Legal Description: Sixth Principal Meridian
T. 2 S., R. 101 W.
Section 35 N½SE

Applicant: Parkerson Construction Inc.

Casefile/Project Number: COC77446

Conformance with the Land Use Plan

The Proposed Action is subject to and is in conformance (43 CFR 1610.5) with the following land use plan:

Land Use Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP)

Date Approved: July 1997

Decision Language: "Facilitate the orderly and environmentally sound development of mineral material resources." (page 2-9)

Proposed Action

Background/Introduction:

The East Douglas Pit is the only federally permitted commercial source of mineral materials between Rangely, Colorado and Douglas Pass and has been in intermittent operation since 1987. It is a source of altered siltstone/sandstone red rock material created by the burning of underlying coal seams. This altered material is used as fill, road surfacing, rip rap, and landscaping. It is permitted with the Colorado Division of Reclamation Mining and Safety. It located on federal lands approximately 2.8 miles east of Colorado State Highway 139 on the south side directly off

Rio Blanco County Road 27(see Maps 1 and 2). Total disturbance of the pit is approximately 8 acres and has been in existence since 1987. The most recent contract is a 5 year contract for 700 cubic yards (cy), which was issued in 2012 to Ace West Trucking Inc. (COC75240). None of the contracted material has been removed.

Ace West Trucking has assigned COC75240 and the East Douglas Pit to Parkerson Construction, Inc. (PCI).

Annual activity in the quarry and amount of material removed is dependent on the ability of the operator to sell rock. Operations typically occur April through December depending on weather. The operation is permitted by the Colorado Division of Mining Reclamation and Safety under permit number M-1987-103, which also holds a bond for surface reclamation. Disturbance to date is approximately 8 acres.

Proposed Action: PCI is requesting the removal of up to 20,000 cy of mineral material within the existing East Douglas Pit. Crushing operations could last about one month and would likely occur near the issuance date of the contract. Operations would continue in accordance with their current mining plan.

Design Features

See Appendix B Conditions of Approval for COC75240.

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

4. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
5. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

Categorical Exclusion Review

The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, Number F10: *"Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas."*

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical		X

Extraordinary Circumstance	YES	NO
Habitat for these species.		
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations.		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

Interdisciplinary Review

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 10/27/2015. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional review or remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Brian Yaquinto	Archaeologist	Cultural Resources, Native American Religious Concerns	11/10/2015
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	11/3/2015
Matt Dupire	Ecologist	Special Status Plant Species	11/3/2015
Paul Daggett	Mining Engineer	Project Lead	11/13/2015
Heather Sauls	Planning and Environmental Coordinator	NEPA Compliance	11/16/2015

Cultural Resources: Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing regulations found at 36 C.F.R. Part 800, requires Federal agencies to take into account the effects their actions would have on cultural resources for any endeavor that involves Federal monies, Federal permitting or certification, or Federal lands. A file search of the project area and Area of Potential Effect (APE) as defined in 36 CFR 800.16(d) was carried out by the WRFO archaeologist for the Proposed Action. The results of the file search indicated that the original quarry area was inventoried for cultural resources, however it is unclear whom performed the survey or at what intensity level (e.g., Class II or Class III) the survey occurred. Additional cultural resource inventories in the project area identified one rock art site, 5RB 257, located on a rock outcropping where the current quarry is located. The site 5RB 257 was likely destroyed as part of past quarry operations as it was not located during fiscal year 2012 cultural site monitoring efforts (Bowen 2012). Because the Proposed Action will not extend beyond what is currently disturbed, and human activity within the last 50 years has changed the natural topography enough to eradicate cultural properties, no further archaeological work is warranted in accordance with BLM inventory waiver policies (BLM Manual 8110.23(B)(4)). There is no known potential for further impacts to any known cultural resources

in the vicinity and there will be no anticipated increase in cumulative impacts to cultural resources in the Field Office area.

Native American Religious Concerns: No Native American Religious Concerns are known in the area, and none have been noted by Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Threatened and Endangered Wildlife Species: There are no threatened or endangered animal species that are known to inhabit or derive important use from the project area. There are no additional wildlife-related concerns or issues associated with the Proposed Action.

Threatened and Endangered Plant Species: There are no Special Status plant species or special status plant habitat near the gravel pit. There are expected to be no direct or indirect impacts to special status plants from operation of the existing gravel pit.

References Cited:

Bowen, Kristen

2012 *2012 White River Field Office Section 110 Site Monitoring Surveys*. Copies available from Bureau of Land Management, White River Field Office. BLM report number 13-10-01.

Mitigation

No additional mitigation measures are identified.

Tribes, Individuals, Organizations, or Agencies Consulted

None.

Compliance with NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F10. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.



Field Manager



Date

Appendix A. Figures

Figure 1: Topographic Map

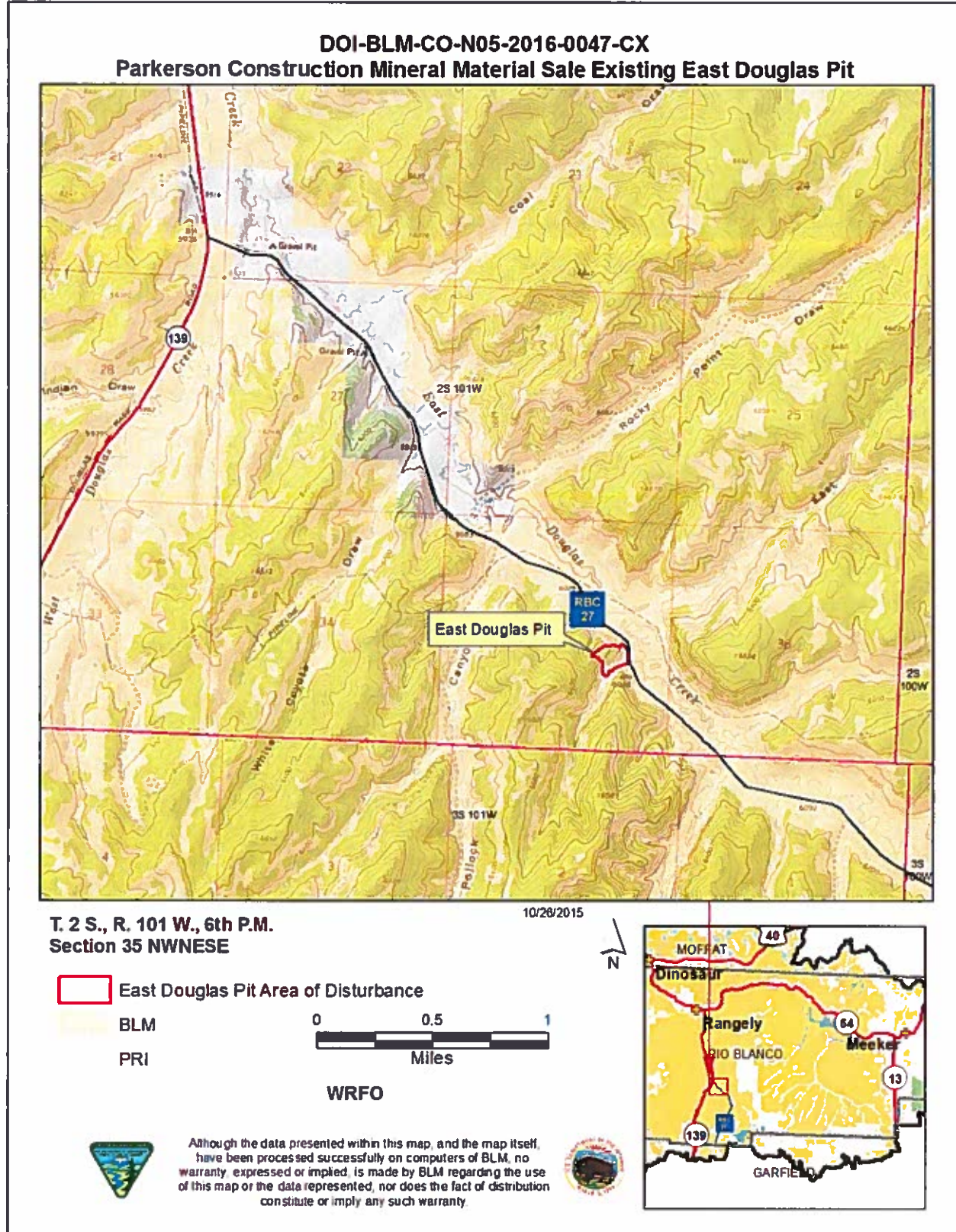
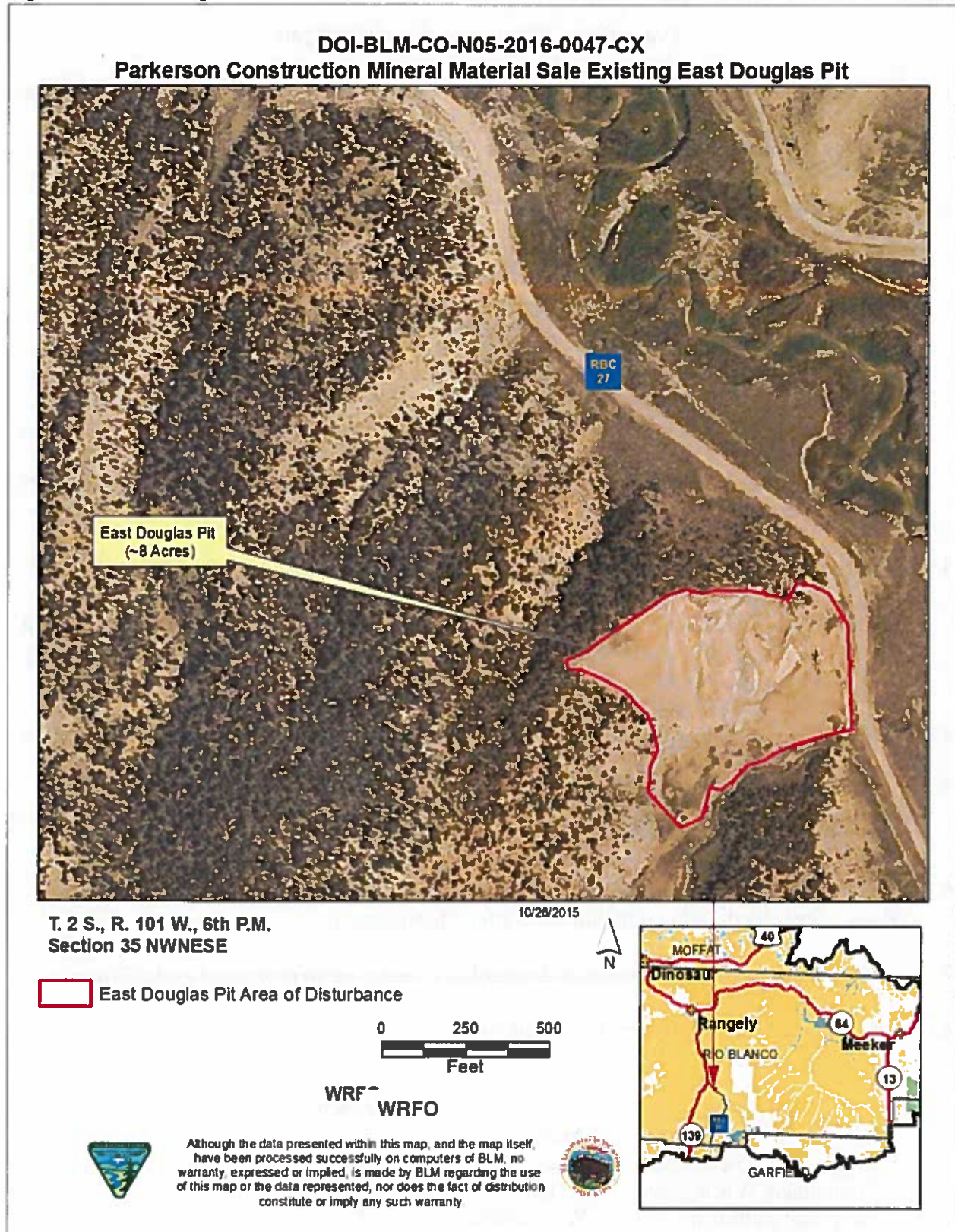


Figure 2: Aerial Map



Appendix B. Conditions of Approval for COC75240

Conditions of Approval for COC75240

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
4. All activities must remain within permitted boundaries.
5. The release of any chemical, oil, petroleum product, produced water, or sewage, etc, (regardless of quantity) must be reported by the operator, to the Bureau of Land Management WRFO Hazardous Materials Coordinator at (970) 878-3800.
6. All sale material is to be removed by end of contract and the disturbed pit area re-contoured/reseeded within 6 months of contract termination.
7. Fall seeding must be completed after September 1, and prior to prolonged ground frost.
8. Following seed mix implement for reclamation:

Species		PLS/acre
Western Wheatgrass	Arriba	3
Thickspike Wheatgrass	Critana	2
Streambank Wheatgrass	Sodar	2
Fourwing saltbrush	Wytana/Rincon	2

Prepare seedbed by disking or ripping following the natural contour. Drill seed on contour at

a depth no greater than 1/2 inch. In areas that cannot be drilled, broadcast at double the seeding rate and harrow seed into soil. Certified seed is recommended.

9. The White River Resource Field Manager will be notified at least 24 hours prior to commencing reclamation work.
10. Annual or noxious weeds will be controlled on all disturbed areas as directed by the White River Resource Area Manager. Method of control shall be by an approved mechanical method or an Environmental Protection Agency (EPA) registered herbicide. All herbicide application proposals must be approved by the BLM. Application of herbicides must be under direct field supervision of an EPA certified pesticide applicator.
11. Keep road inlet and outlet ditches, catch-basins, and culverts free of obstructions, particularly before and during spring runoff. Routine machine-cleaning of ditches should be kept to a minimum during wet weather. Leave the disturbed area in a condition that provides drainage with no additional maintenance.
12. The operator is responsible for obtaining all applicable permits from the state or local governments.

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DECISION RECORD

***Parkerson Construction Mineral Material Sale
Existing East Douglas Pit
DOI-BLM-CO-N05-2016-0047-CX***

Decision

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2016-0047-CX, authorizing PCI to remove up to 20,000 cy mineral material from the existing East Douglas Pit.

Applicant Committed Design Features

Appendix B: Conditions of Approval for COC75240

BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.
2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the Authorized Officer (AO). The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
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Mitigation Measures

No additional mitigation measures are identified.

Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

Public Involvement

This project will be posted on the WRFO's on-line National Environmental Policy Act (NEPA) register.

Rationale

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number F10. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

The East Douglas Pit is the only federally permitted commercial source of mineral materials between Rangely, Colorado and Douglas Pass and has been in intermittent operation since 1987. It is permitted and bonded for reclamation with the Colorado Division of Reclamation Mining and Safety. No new surface disturbance would occur on BLM lands.

Monitoring and Compliance

On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff after authorization. Specific mitigation developed in this document will be

followed. The applicant will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

Administrative Remedies

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

Signature of Authorized Official



Field Manager



Date